

REMARKS

In response to the restriction requirement Applicants have elected Group II (claims 8-13).

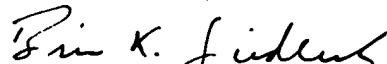
By the amendments above, Applicants have also amended claims 11, 12 and 13 to delete the multiple dependencies. The Examiner indicated at page 4 of the Office action, that claims 12-13 would be considered with Group II if recast in single dependent form. Accordingly, prompt favorable examination of the merits of claims 8-13 is solicited.

At page 2 of the Office action, the Examiner indicated that the application was incomplete and requested that Applicants resubmit several documents. During a telephone interview with Examiner Le on March 18, 2004, the Examiner clarified that his electronic version of the application was incomplete and requested that Applicants resubmit the following items: certified priority document (copy of first page); claim of priority; Information Disclosure Statement and Declaration. Attached hereto are the requested documents along with their respective stamped acknowledgment postcards. The appropriate fees were authorized at the time the above documents were filed.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

MCDERMOTT, WILL & EMERY



Brian K. Seidleck  
Registration No. 51,321

600 13<sup>th</sup> Street, N.W.  
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(202) 756-8000 BKS:apr  
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Date: April 9, 2004



Applicant: Katsunori NISHIMURA, et al. Docket No. 62807-034

Title: ELECTRODE FOR POLYMER ELECTROLYTE FUEL CELL,  
SEPARATOR THEREFOR, AND POLYMER ELECTROLYTE  
FUEL CELL AND GENERATING SYSTEM USING THEM Serial/Reg./Patent No. 10/078,534

Date Sent: May 9, 2002  Hand Carried  Fax  Electronic  Cert. of Mailing  Express Mail No. \_\_\_\_\_

Transmittal Letter  New Patent App  Utility  Design  Cont.  CIP  Div.  PCT  CPA  RCE  Prov

Other: \_\_\_\_\_ pages of Specification  Letter submitting \_\_\_\_\_ pages of drawings

\_\_\_\_\_ pages of Claims  Req. for Approval of Drawing Amendments

\_\_\_\_\_ pages of Abstract  Req. for Oral Hearing

\_\_\_\_\_ pages of Formal/Informal Drawings  Not. of Appeal  Appeal Brief  Reply Brief

Small Entity  Large Entity  Rule 312 Amendment/Letter

Declaration/Power of Attorney  Req. for Acknowledgement of Cited Art

Recordation of Assignment/Security Agreement  Issue Fee

Information Disclosure Statement  Publication Fee

Form PTO 1449  Req. for Certificate of Correction

copies of cited references  Maintenance Fee for \_\_\_\_\_ years after grant

Preliminary Amendment  Fee Address Indication Form

Response to Missing Parts Notice  Terminal Disclaimer

Resp. to Notice to Correct App. Papers  Petition to Commissioner

Certified Copy of Priority Doc.  Status Inquiry

Claim for Convention Priority  Other Request for Corrected Filing Receipt

Response/Amendment to Office Action of \_\_\_\_\_

Request for \_\_\_\_\_ month Extension of Time \_\_\_\_\_



Check for \$	<input checked="" type="checkbox"/>	Charge Deposit Acct. 500417 \$ 1,402	Atty Init.	KEG	Tkpr. # 4235	Secy. or PL: KWashington
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CMS Descrip.: 1-740 3-532 5-130

THE PATENT AND TRADEMARK OFFICE DATE STAMPED HEREON IS ACKNOWLEDGEMENT THAT THE ITEMS, CHECKED ABOVE, WERE RECEIVED BY THE PTO ON THE DATE STAMPED.

## Declaration and Power of Attorney For Patent Application

特許出願宣言書及び委任状

Japanese Language Declaration

日本語宣言書

下記の氏名の発明者として、私は以下の通り宣言します。

As a below named inventor, I hereby declare that:

私の住所、私書箱、国籍は下記の私の氏名の後に記載された通りです。

My residence, post office address and citizenship are as stated next to my name.

下記の名称の発明に関して請求範囲に記載され、特許出願している発明内容について、私が最初かつ唯一の発明者（下記の氏名が一つの場合）もしくは最初かつ共同発明者であると（下記の名称が複数の場合）信じています。

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

ELECTRODE FOR POLYMER ELECTROLYTE FUEL CELL, SEPARATOR THEREFOR, AND POLYMER ELECTROLYTE FUEL CELL AND GENERATING SYSTEM USING THEM

上記発明の明細書（下記の欄で×印がついていない場合は、本書に添付）は、

The specification of which is attached hereto unless the following box is checked:

\_\_\_\_月\_\_\_\_日に提出され、米国出願番号または特許協定条約  
国際出願番号を\_\_\_\_\_とし、  
(該当する場合) \_\_\_\_\_に訂正されました。

was filed on February 21, 2002  
as United States Application Number or  
PCT International Application Number  
10/078,534 and was amended on  
\_\_\_\_\_ (if applicable).

私は、特許請求範囲を含む上記訂正後の明細書を検討し、内容を理解していることをここに表明します。

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

私は、連邦規則法典第37編第1条56項に定義されるとおり、特許資格の有無について重要な情報を開示する義務があることを認めます。

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## Japanese Language Declaration (日本語宣言書)

私は、米国法典第35編119条(a)-(d)項又は365条(b)項に基き下記の、米国以外の国の少なくとも一カ国を指定している特許協力条約365(a)項に基づく国際出願、又は外国での特許出願もしくは発明者証の出願についての外国優先権をここに主張するとともに、優先権を主張している、本出願の前に出願された特許または発明者証の外国出願を以下に、枠内をマークすることで、示している。

**Prior Foreign Application(s)**

外国での先行出願

2001-333605(Number)  
(番号)Japan(Country)  
(国名)(Number)  
(番号)(Country)  
(国名)

私は、第35編米国法典119条(e)項に基いて下記の米国特許出願規定に記載された権利をここに主張いたします。

I hereby claim foreign priority under Title 35, United States Code, Section 119 (a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT international application which designated at least one country other than the United States, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or PCT International application having a filing date before that of the application on which priority is claimed.

Priority Not Claimed  
 優先権主張なし

31/October/2001(Day/Month/Year Filed)  
(出願年月日)(Day/Month/Year Filed)  
(出願年月日)(Application No.)  
(出願番号)(Filing Date)  
(出願日)(Application No.)  
(出願番号)(Filing Date)  
(出願日)

私は、下記の米国法典第35編120条に基いて下記の米国特許出願に記載された権利、又は米国を指定している特許協力条約365条(c)に基づく権利をここに主張します。また、本出願の各請求範囲の内容が米国法典第35編112条第1項又は特許協力条約で規定された方法で先行する米国特許出願に開示されていない限り、その先行米国出願書提出日以降で本出願書の日本国内または特許協力条約国提出日までの期間中に入手された、連邦規則法典第37編1条56項で定義された特許資格の有無に関する重要な情報について開示義務があることを認識しています。

I hereby claim the benefit under Title 35, United States Code, Section 120 of any United States application(s), or 365(c) of any PCT international application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of Title 35, United States Code Section 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of application.

(Application No.)  
(出願番号)(Filing Date)  
(出願日)(Status: Patented, Pending, Abandoned)  
(現況: 特許可済、係属中、放棄済)(Application No.)  
(出願番号)(Filing Date)  
(出願日)(Status: Patented, Pending, Abandoned)  
(現況: 特許可済、係属中、放棄済)

私は、私自身の知識に基づいて本宣言書で私が行なう表明が真実であり、かつ私の入手した情報と私の信じるところに基づく表明が全て真実であると信じていること、さらに故意になされた虚偽の表明及びそれと同等の行為は米国法典第18編第1001条に基づき、罰金または拘禁、もしくはその両方により処罰されること、そしてそのような故意による虚偽の声明を行なえば、出願した、又は既に許可された特許の有効性が失われることを認識し、よってここに上記のごとく宣誓を致します。

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

## Japanese Language Declaration (日本語宣言書)

委任状： 私は下記の発明者として、本出願に関する一切の手続きを米特許商標局に対して遂行する弁理士または代理人として、下記の者を指名いたします。（弁護士、または代理人の氏名及び登録番号を明記のこと）

**POWER OF ATTORNEY:** As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith (list name and registration number)

Gene Z. Rubinson, Reg. No. 33,351; Arthur J. Steiner, Reg. No. 26,106; Keith E. George, Reg. No. 34,111; Michael E. Fogarty, Reg. No. 36,139; Stephen C. Carlson, Reg. No. 39,929; Alexander V. Yampolsky, Reg. No. 36,324; Wesley L. Strickland, Reg. No. 44,363

**書類送付先****Send Correspondence to:**

McDermott, Will &amp; Emery

600, 13th Street, N.W., Washington, D.C. 20005-3096

**直接電話連絡先：（氏名及び電話番号）****Direct Telephone Calls to: (name and telephone number)**

Telephone: (202) 756-8000

Fax: (202) 756-8087

<b>唯一または第一発明者</b>		<b>Full name of sole or first inventor</b>	
		Katsunori NISHIMURA	
<b>発明者の署名</b>	<b>日付</b>	<b>Inventor's signature</b>	<b>Date</b>
		Katsunori Nishimura March 27, 2002	
<b>住所</b>		<b>Residence</b>	
		Hitachiota, Japan	
<b>国籍</b>		<b>Citizenship</b>	
		Japan	
<b>私書箱</b>		<b>Post Office Address</b>	
		c/o Hitachi, Ltd., Intellectual Property Group New Marunouchi Bldg. 5-1, Marunouchi 1-chome, Chiyoda-ku, Tokyo 100-8220, Japan	

（第二以降の共同発明者についても同様に記載し、署名すること）

(Supply similar information and signature for second and subsequent joint inventors.)

第二共同発明者	Full name of second joint inventor, if any Masahiro KOMACHIYA	
第二共同発明者の署名	日付	Second inventor's signature Date <i>Masahiro Komachiya</i> 03/28/2002
住所	Residence Hitachinaka, Japan	
国籍	Citizenship Japan	
私書箱	Post Office Address c/o Hitachi, Ltd., Intellectual Property Group New Marunouchi Bldg. 5-1, Marunouchi 1-chome, Chiyoda-ku, Tokyo 100-8220, Japan	
第三共同発明者	Full name of third joint inventor, if any Jinichi IMAHASHI	
第三共同発明者の署名	日付	Third inventor's signature Date <i>Jinichi Imahashi</i> 03/29/2002
住所	Residence Hitachi, Japan	
国籍	Citizenship Japan	
私書箱	Post Office Address c/o Hitachi, Ltd., Intellectual Property Group New Marunouchi Bldg. 5-1, Marunouchi 1-chome, Chiyoda-ku, Tokyo 100-8220, Japan	
第四共同発明者	Full name of fourth joint inventor, if any Tohru KOYAMA	
第四共同発明者の署名	日付	Fourth inventor's signature Date <i>Tohru Koyama</i> 03/28/2002
住所	Residence Hitachi, Japan	
国籍	Citizenship Japan	
私書箱	Post Office Address c/o Hitachi, Ltd., Intellectual Property Group New Marunouchi Bldg. 5-1, Marunouchi 1-chome, Chiyoda-ku, Tokyo 100-8220, Japan	
第五共同発明者	Full name of fifth joint inventor, if any Tomoichi KAMO	
第五共同発明者の署名	日付	Fifth inventor's signature Date <i>Tomoichi Kamo</i> 03/28/2002
住所	Residence Tokai, Japan	
国籍	Citizenship Japan	
私書箱	Post Office Address c/o Hitachi, Ltd., Intellectual Property Group New Marunouchi Bldg. 5-1, Marunouchi 1-chome, Chiyoda-ku, Tokyo 100-8220, Japan	



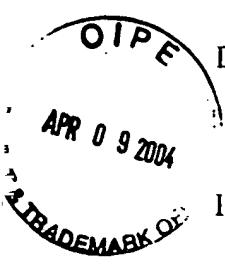
K59  
2/20/02

Applicant:	Katsunori NISHIMURA, et al.		Docket No.	62807-034	
Title/Mark:	ELECTRODE FOR POLYMER ELECTROLYTE FUEL CELL, SEPARATOR THEREFOR, AND POLYMER ELECTROLYTE FUEL CELL AND GENERATING SYSTEM USING THEM		Serial/Reg./Patent No.	Not Yet Assigned	
Date Sent:	02/21/2002	<input checked="" type="checkbox"/> Hand Carried <input type="checkbox"/> Fax <input type="checkbox"/> Electronic	<input type="checkbox"/> Cert. of Mailing <input type="checkbox"/> Express Mail No.		
<input checked="" type="checkbox"/> Transmittal Letter New Patent App <input checked="" type="checkbox"/> Utility <input type="checkbox"/> Design <input type="checkbox"/> Cont. <input type="checkbox"/> CIP <input type="checkbox"/> Div. <input type="checkbox"/> PCT <input type="checkbox"/> CPA <input type="checkbox"/> RCE <input type="checkbox"/> Prov <input checked="" type="checkbox"/> Other: <u>Cover Page of Specification</u> <u>42</u> pages of Specification <u>5</u> pages of Claims <u>1</u> pages of Abstract <u>11</u> pages of Formal Drawings <input type="checkbox"/> Small Entity <input checked="" type="checkbox"/> Large Entity <input type="checkbox"/> Declaration/Power of Attorney <input type="checkbox"/> Recordation of Assignment/Security Agreement <input checked="" type="checkbox"/> Information Disclosure Statement <u>1</u> Form PTO 1449 <u>3</u> copies of cited references <input type="checkbox"/> Preliminary Amendment <input type="checkbox"/> Response to Missing Parts Notice <input type="checkbox"/> Resp. to Notice to Correct App. Papers <input checked="" type="checkbox"/> Certified Copy of Priority Doc. <input checked="" type="checkbox"/> Claim for Convention Priority <input type="checkbox"/> Response/Amendment to Office Action of _____ <input type="checkbox"/> Request for _____-day/month Extension of Time  <input type="checkbox"/> Charge Deposit Acct. 500417 \$ 0    Atty Init. KEG    Tkpr. # 4235    Secy. or PL: ML. White					

CMS Descrip.: \_\_\_\_\_

THE PATENT AND TRADEMARK OFFICE DATE STAMPED HEREON IS ACKNOWLEDGEMENT THAT THE ITEMS, CHECKED ABOVE, WERE RECEIVED BY THE PTO ON THE DATE STAMPED.





Docket No.: 62807-034

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of :  
Katsunori NISHIMURA, et al. :  
Serial No.: Group Art Unit:  
Filed: February 21, 2002 Examiner:  
For: ELECTRODE FOR POLYMER ELECTROLYTE FUEL CELL, SEPARATOR  
THEREFOR, AND POLYMER ELECTROLYTE FUEL CELL AND GENERATING  
SYSTEM USING THEM

**INFORMATION DISCLOSURE STATEMENT**

Commissioner for Patents  
Washington, DC 20231

Dear Sir:

In accordance with the provisions of 37 C.F.R. 1.56, 1.97 and 1.98, the attention of the Patent and Trademark Office is hereby directed to the documents listed on the attached form PTO-1449. It is respectfully requested that the documents be expressly considered during the prosecution of this application, and that the documents be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

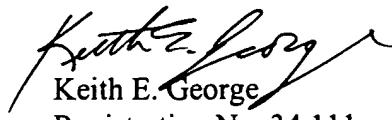
This Information Disclosure Statement is being filed within three months of the U.S. filing date OR before the mailing date of a first Office Action on the merits. No certification or fee is required.

Serial No.:

The relevance of each non-English language reference, if any, is discussed in the present specification.

Respectfully submitted,

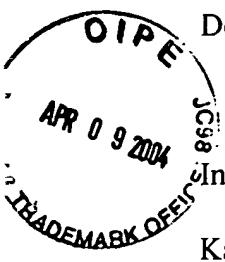
MCDERMOTT, WILL & EMERY



Keith E. George  
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600 13<sup>th</sup> Street, N.W.  
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(202) 756-8000 KEG:mlw  
**Date: February 21, 2002**  
Facsimile: (202) 756-8087

**EXAMINER:** Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.



Docket No.: 62807-034

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of :

Katsunori NISHIMURA, et al. :

Serial No.: Group Art Unit:

Filed: February 21, 2002 Examiner:

For: ELECTRODE FOR POLYMER ELECTROLYTE FUEL CELL, SEPARATOR THEREFOR, AND POLYMER ELECTROLYTE FUEL CELL AND GENERATING SYSTEM USING THEM

**CLAIM OF PRIORITY AND  
TRANSMITTAL OF CERTIFIED PRIORITY DOCUMENT**

Commissioner for Patents  
Washington, DC 20231

Sir:

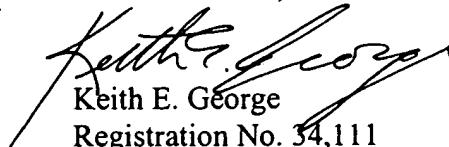
In accordance with the provisions of 35 U.S.C. 119, Applicants hereby claim the priority of:

**Japanese Patent Application No. 2001-333605, filed August 31, 2001**

A certified copy is submitted herewith.

Respectfully submitted,

MCDERMOTT, WILL & EMERY

  
Keith E. George  
Registration No. 34,111

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(202) 756-8000 KEG:mlw  
**Date: February 21, 2002**  
Facsimile: (202) 756-8087

日本国特許庁  
JAPAN PATENT OFFICE

62807-034  
Katsunori NISHINURAKE  
February 21, 2002  
McDermott, Will & Emery

別紙添付の書類に記載されている事項は下記の出願書類に記載されて  
いる事項と同一であることを証明する。

This is to certify that the annexed is a true copy of the following application as filed  
with this Office

出願年月日

Date of Application:

2001年10月31日

出願番号

Application Number:

特願2001-333605

[ST.10/C]:

[JP2001-333605]

出願人

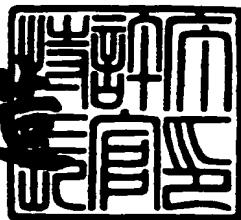
Applicant(s):

株式会社日立製作所

2002年 1月18日

特許庁長官  
Commissioner,  
Japan Patent Office

及川耕造



出証番号 出証特2001-3117501